

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

**IN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (NO. VI)**

THIS DOCUMENT RELATES TO:

*Dianne Jacobs v.
Owens-Illinois, Inc., et al.*

*Cindy Zickert v.
Bayer Crop Science Inc., et al*

*Harvey Helms v.
3M Company, et al.*

*Brian Heckel v.
3M Company, et al.*

**CONSOLIDATED UNDER
MDL DOCKET NO. 875**

E.D. Pa. Nos.

13-CV-60011

13-CV-60013

13-CV-60018

13-CV- 60019

**WEYERHAEUSER COMPANY'S MOTION FOR RETURN OF DOCUMENTS
IMPROPERLY OBTAINED OUTSIDE DISCOVERY, INCLUDING PRIVILEGED,
CONFIDENTIAL AND PROPRIETARY DOCUMENTS**

Plaintiffs are in possession of Weyerhaeuser documents obtained outside the course of discovery, including privileged, confidential, and proprietary information. Some of these documents were purportedly provided to Plaintiffs' counsel by a former Weyerhaeuser employee who took the documents without permission when he left the company. The source of the remaining documents is unknown. Because the documents were improperly obtained outside of discovery, Weyerhaeuser was foreclosed from preventing the disclosure of privileged and confidential information and was precluded from otherwise objecting to the production of the documents.

Accordingly, pursuant to Federal Rules of Civil Procedure 16 and 26(b)(5)(B), and its inherent authority, the Court should order Plaintiffs to immediately:

- (1) return to Weyerhaeuser all documents obtained outside of discovery, including the originals and all copies;
- (2) disclose the source of all documents obtained outside of discovery;
- (4) not use or disclose any of the aforementioned documents; and
- (5) take all reasonable steps to retrieve the aforementioned documents if disclosed to others.

Weyerhaeuser also respectfully requests that the Court grant a hearing on this motion.

Dated: March 31, 2014.

Counsel for Weyerhaeuser Company,
s/Tanya D. Ellis
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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2014, I electronically filed the foregoing Weyerhaeuser Company's Motion for Return of Documents Improperly Obtained Outside Discovery, Including Privileged, Confidential, and Proprietary Documents with the Clerk of the Court of the United States District Court for the Eastern District of Pennsylvania using the CM/ECF system, which will automatically send all necessary notifications of this filing to CM/ECF participants in this case.

/s/ Tanya D. Ellis
Tanya D. Ellis (MS Bar No. 101525)